

REMARKS

Applicants hereby request allowance of the pending claims. Claims 21-30, the claims of Group IV, were elected for prosecution on the merits. Thus, claims 1-20 were withdrawn from consideration in view of the Restriction Requirement. In a prior Response, claims 21-30 were canceled in view of the entry of then new claims 31 -42. Claims 31 - 42 are canceled herein in view of the addition of new claims 43 – 54. Thus, new claims 43 - 54 are pending in the application and are presented for reconsideration in light of the remarks presented herein, and in light of the discussion held with Examiner Fischetti during the formal interview of May 16, 2006. No additional claim fees are due. The present Amendment and Response is filed concurrently with a Request for Continued Examination.

CLAIM REJECTIONS UNDER 35 USC §112

Claim 40 stands rejected under 35 USC §112, second paragraph, assertedly because the “dependency on Claim 40 is on a cancelled claim.” This rejection is now obviated in view of the cancellation of claim 40 from the application. Accordingly, applicants submit that now-pending claims 43 – 54 are sufficiently definite for one of ordinary skill in the art to comprehend their meaning with clarity, and withdrawal of the rejection under 35 USC §112, second paragraph, is hereby solicited.

CLAIM REJECTIONS UNDER 35 USC §103

Claims 21-30 stand rejected, assertedly because they are obvious over *Bezos et al.*, U.S. Patent 6,029,141, in view of *Lumme et al.*, U.S. Patent 6,587,693. With respect to the cited references, at page 3 of the Official Action, the Examiner asserts:

Bezos et al. ‘141 disclose a method of identifying a referring source to and on-line retailer via a compute network

A) effecting a first examination of a first request to visit a target site of an on-line retailer (request is read as the HTML source code for the catalog section, Col. 11, lines 63 et seq), wherein said first request comprises an Internet address (AMAZON.com), wherein said first request was issued by a user (the user issues the request by virtue of using the link to the product), and wherein said first examination is adapted for determining the presence or absence of a referring source identifier, (Col. 14, lines 43-51, the computer determines whether the store ID represents a valid enrolled associate in the associate's database);

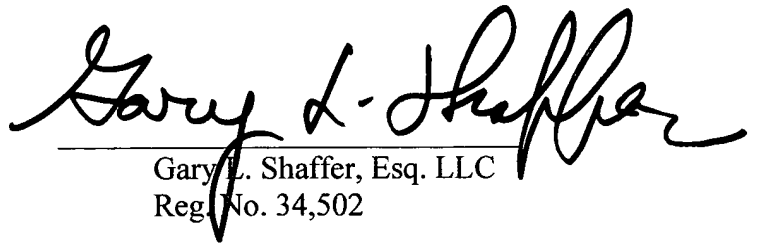
B) effecting a determination as to whether said referring source is an affiliate of said online retailer (Col.14, lines 43-51, the computer determines whether the store ID represents a valid enrolled associate in the associate's database).

In this regard, applicants note that Bezos *et al.* disclose a method for providing a pre-arranged affiliate site identification code in the hypertext linkage displayed to the User that is used to transfer the User to the merchant site, that is, the affiliate's identification is pre-stored in the hypertext link address displayed on an affiliate's website page. In contrast to the present invention, in the normal activity of browsing from website to website, this static identifier is often lost, *inter alia*, because the User may enter other URL's during the same browsing session. In sharp contrast, the methods and software of the present invention are dynamic, that is, they repeatedly examine and evaluate Internet-mediated requests to ensure that the necessary identifiers, or codes, remain appended. In doing so, the present methods eliminate the problems inherent in Bezos *et al.* and Lumme *et al.* Withdrawal of the rejections of record is therefore requested.

Furthermore, applicants reiterate their arguments made in their Response and Amendment of October 7, 2004, and note that, as discussed in the formal interview, the presently claimed methods are focused on client-side communications while those of Bezos *et al.* are facilitated mainly through server-sided activities. Without more, neither Bezos *et al.*, nor Bezos *et al.* combined with Lumme *et al.* could possibly render the presently claimed invention obvious.

In view of the above, applicants urge that claims 43 - 54 are in condition for allowance and request an early notice thereof. Moreover, if any other matter can be resolved by telephone, Examiner Fischetti is hereby requested to contact the undersigned as soon as possible, with any comments, questions or suggestions that he may have.

Respectfully submitted,

A handwritten signature in black ink, reading "Gary L. Shaffer". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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